

FISCAL NOTE

SB 2650 - HB 3040

March 5, 2004

SUMMARY OF BILL: Removes the personal use exemption from the current controlled substances definition of *manufacture* when the preparation, compounding, by-product or waste threatens substantial risk of harm to the health or safety of others or to the environment.

ESTIMATED FISCAL IMPACT:

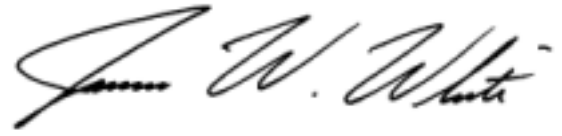
Increase State Expenditures - \$688,000/Incarceration*

Estimate is based upon conviction data for Schedule II controlled substances, excluding cocaine and including methamphetamine, and information provided from district attorneys general and district public defenders concerning the pattern of disposing of cases when the issue of the definition of *manufacture* arises. According to this information, it is estimated that 138 cases annually will result in conviction and incarceration for a more serious offense and receive a sentence one classification higher when the definition no longer allows the exception that the controlled substance was produced for the individual's own use. Generally, the increase in sentence will involve elevating a Class D felony to a Class C felony. It is also assumed that the manufacture of methamphetamine always threatens substantial risk of harm to persons or the environment.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director